

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-17 and 19-33 were pending but are canceled herein. Claims 34-62 are added. Support for these amended claims is found in the canceled claims and in the specification at, for example, p. 1, ll. 23-27; p. 2, ll. 13-17, 30-32; p. 3, ll. 3-10; p. 4, ll. 34-36; p. 5, ll. 9-13; p. 6, ll. 1-5, 8-10; p. 42, ll. 26 et. seq.; and p. 48, l. 4. Particularly, these sections explain the importance of the medial collateral ligament in stabilizing the knee, the need for free knee movement, the connection between the medial collateral ligament and the musculus sartorius, and the advantages of exerting intense forces on this muscle to increase stability of the medial collateral ligament. The newly added claims provide for the application of greater pressure along the anterior surface of the musculus sartorius than to other portions of the thigh.

Applicants thank the Examiner for the courtesies extended in the interview of December 3, 2003. All of the formerly pending claims and the prior art relied upon by the Examiner were discussed. No agreement on the claims was reached.

The Examiner's attention is respectfully directed to the corrected translation in the Supplemental Information Disclosure Statement filed concurrently herewith.

The Examiner had rejected claims 1-17 and 19-32 (pending claim 33 is believed to be inadvertently left out; claim 33 which depends from claim 2 is assumed to be included in this group) under 35 U.S.C. 102(b) as anticipated by Fujimoto, U.S. Patent No. 5,367,708. The Examiner submits that Fujimoto discloses tights that include a heavy stretchable material that could cover the muscles as previously claimed by applicants.

The rejection is respectfully traversed, and reconsideration is requested.

The present applicants have discovered that the musculus sartorius is important in stabilizing the medial collateral ligament which, in turn, is important in stabilizing the knee. The musculus

sartorius is a substantially straight muscle that runs obliquely on the anterior side of the thigh so that it passes from the medial side of the knee and the medial side of the thigh to the lateral side of the pelvis. The medial collateral ligament is located at the medial side of the knee, and the tendons on the inferior side of the musculus sartorius substantially overlap one another on the medial side of the knee. The musculus sartorius assists in lateral rotation (i.e., medial rotation that mainly allows the leg to be twisted toward the lateral side). The musculus sartorius also assists in the bending and extending of the knee.

The present applicants have further discovered that pressure to anterior surface of the musculus sartorius assists that muscle in contracting. Muscles do work when they contract. Therefore, this pressure actually assists the muscle to function. The better the musculus sartorius functions, the more stable the medial collateral ligament, and the more stable the knee.

The force exerted on the musculus sartorius by the presently claimed invention is different than the lifting action of the prior art. The prior art merely lifts the musculus sartorius or maintains it in proper anatomical position to counter the effects of gravity (i.e., when this muscle may sag lower on the leg). The prior art does not exert the forces on the musculus sartorius that the present invention does. Therefore, the prior art does not assist the contraction of the musculus sartorius, as in the present invention, and does not stabilize the medial collateral ligament or the knee as does the present invention.

Fujimoto does not disclose a greater straining force portion which applies pressure to the anterior part of the musculus sartorius as in the present claims. Therefore, the garment of Fujimoto cannot provide the benefits of the present invention. Accordingly, Fujimoto cannot be relied upon to reject the present claims as anticipated, and the rejection should be withdrawn.

The Examiner also stated in the Office Action that "... the structure of the body may not be used as a limitation, which patentably distinguishes the device from the prior art." The Examiner's attention is respectfully directed to U.S. Patent Nos. 4,384,369; 4,946,453; 5,768,702; 6,182,297;

6,190,342; 6,258,014; and 6,656,097 (copies of which are attached as collective Exhibit A) which each reference the structure of the body in order to claim a garment.

The Examiner's attention is also directed to the corrections to the translation of Japanese Patent Publication No. 11-61516 submitted concurrently herewith.

It is believed, for the foregoing reasons, that the present claims warrant allowance, and such action is earnestly solicited.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: February 27, 2004

Respectfully submitted,

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